

** E-filed 5/13/2009 **

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

VERIZON CALIFORNIA INC.; VERIZON
TRADEMARK SERVICES LLC; and VERIZON
LICENSING COMPANY,

Plaintiffs,

v.

ONLINENIC INC.; and DOES 1-10,

Defendant.

Case Number C 08-2832-JF RS

MODIFIED INJUNCTION¹

[re: docket nos. 100, 103, 104, 106]

Good cause therefore appearing, IT IS HEREBY ORDERED that the injunction issued by this Court on March 11, 2009 is modified as follows:

Defendant OnlineNIC Inc. ("OnlineNIC"), and its officers, directors, employees, representatives, agents, successors-in-interest, parent corporations, subsidiary corporations, affiliated companies, and all other persons, firms or entities acting in concert or participating with them, directly or indirectly, are prohibited from:

1. transferring, or allowing the transfer of, any of the assets of OnlineNIC;

¹ This disposition is not designated for publication in the official reports.

2. destroying, altering, secreting, transferring, or otherwise disposing of any records of their business activities, whether on paper, in electronic format, or on any other medium, and including without limitation all accounting records and all logs or other documents relating to selecting, registering, trafficking in, monetizing, relating, assigning, renewing, deleting, transferring, using and maintaining its domain names;
3. allowing any records of their business activities relating to selecting, registering, trafficking in, monetizing, relating, assigning, renewing, deleting, transferring, using and maintaining its domain names to be destroyed, altered, secreted transferred, or otherwise disposed of in the course of business or business activities, and shall instead take all affirmative steps necessary to capture and records all such records, whether by copying, collection, backup, or otherwise, either on paper, in electronic format, or on any other medium;
4. changing the companies or customer identification numbers used to generate any monies from any of the domain names; and
5. assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 1-4 above.

Subparagraphs 1-5, above, of this Injunction shall not apply to transactions required in the ordinary course of lawful business which are made in good faith and which do not deprive Plaintiffs Verizon California inc., Verizon Trademark Services LLC and Verizon Licensing Company (collectively "Verizon") of their ability to satisfy their judgment.

IT IS FURTHER ORDERED THAT OnlineNIC shall not transfer, release, delete or assign any domain name without the prior written approval of Verizon or the Court appointed Receiver in accordance with the procedure set forth below:

1. Within twenty-four (24) hours of receiving a transfer notification from a registry operator, OnlineNIC shall provide to counsel for Verizon:
 - the registry transfer request for each proposed domain name transfer,
 - the WHOIS data for the registrant of the domain name seeking the

1 transfer,

2 – a certificate signed under penalty of perjury by an officer of OnlineNIC
 3 that the registrar is not affiliated with, employed by, acting in concert with
 4 or related to OnlineNIC or OnlineNIC's officers, directors, employees,
 5 representatives, agents, or affiliated companies of OnlineNIC,

6 – a certificate signed under penalty of perjury by an officer of OnlineNIC
 7 that the registrant or account holder is not affiliated with, employed by,
 8 acting in concert with or related to OnlineNIC or OnlineNIC's officers,
 9 directors, employees, representatives, agents, or affiliated companies of
 10 OnlineNIC, and

11 – a certificate signed under penalty of perjury by an officer of OnlineNIC
 12 that OnlineNIC did not communicate with or pay any party to induce the
 13 transfer of the domain name.

14 2. Within seventy-two (72) hours of the notice required in paragraph 1, Verizon shall
 15 provide written consent for the requested transfer provided that the requested
 16 transfer qualifies as a transfer made with good faith, is made within the ordinary
 17 course of lawful business and does not deprive Verizon of its ability to satisfy its
 18 judgment.

19 3. If Verizon does not consent to a transfer as provided in paragraph 2, OnlineNIC
 20 may appeal such decision to the Receiver within eight (8) hours after receiving
 21 notice of Verizon's determination.

22 4. Within thirty-six (36) hours of receipt of any appeal pursuant to paragraph 3, the
 23 Receiver shall provide a written determination to Verizon and OnlineNIC as to
 24 whether the requested transfer is in good faith, is within the ordinary course of
 25 lawful business and does not deprive Verizon of its ability to satisfy judgment.
 26 The determinations of the Receiver are subject to review by the Court.

27 5. If the Receiver issues a determination stating that a proposed transfer is not in
 28 good faith, is not within the ordinary course of lawful business or would deprive

Verizon of its ability to satisfy its judgment, OnlineNIC shall issue a "NACK" command denying the requested transfer.

OnlineNIC shall provide to Verizon, in its native electronic format, the daily transfer logs OnlineNIC receives from any registry operator.

IT IS FURTHER ORDERED THAT all domain names transferred from OnlineNIC to 35 Technology Co. Ltd. ("35 Technology") between February 27, 2009 and March 14, 2009 shall be transferred back to OnlineNIC as follows: within one day of entry of this modified Injunction, OnlineNIC shall submit this modified Injunction to ICANN and request that all such transfers be undone in accordance with Section 6 of the ICANN Policy on Transfer of Registrations between Registrars.

IT IS SO ORDERED.

DATED: May 13, 2009


JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

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